

# Ebnet Declaration Exhibit 2

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Mayo Foundation for Medical Education  
and Research,

Plaintiff/Counterclaim

Defendant,

v Case No.: 21-cv-1039 (SRN/TNL)

Knowledge to Practice, Inc.,

Defendant/Counterclaim

Plaintiff,

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VIDEO DEPOSITION OF  
MARK LANTERMAN

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DATE TAKEN: March 9, 2023

BY LISA M. HUTTON

<p style="text-align: right;">Page 50</p> <p>1 well, let me back up. As an example, let's say if  2 we have a criminal case and we conduct our analysis  3 and we show X as evidence. Our process should be  4 repeatable by a defense expert. So if that expert  5 is trained and educated in forensics, we should  6 come to very similar conclusions. So -- and  7 usually that's what we see. You know, we may not  8 agree on everything, but we are kind of in the same  9 ballpark.</p> <p>10 Q Is that why sometimes, Mr. Lanterman, you're  11 appointed by the court to assist with cases,  12 because it's a factual matter? You are telling  13 your -- you are reporting to the court here's what  14 the facts are, and then the lawyers or anybody else  15 involved, they can decide how to apply them in that  16 case? Is that a fair description of your role  17 sometimes?</p> <p>18 A Yeah, I think that that's very fair. And we are  19 seeing a trend in the appointment of special  20 masters, because if you think about it, I don't --  21 you know, it doesn't matter who's paying me, the  22 data is what it is. And, you know, as an example,  23 the case I mentioned earlier involving the  24 Intoxilyzer, you know, on one side you have about  25 70 criminal defense attorneys pooling moneys to pay</p>	<p style="text-align: right;">Page 52</p> <p>1 media presentations, which were great.</p> <p>2 A Thank you.</p> <p>3 Q So this designer that you are working with, what  4 sorts of things are you doing to update the  5 website?</p> <p>6 A I have no idea.</p> <p>7 Q Okay.</p> <p>8 A I'm not involved in that.</p> <p>9 Q Who's involved at CFS?</p> <p>10 A That would be Chris Lester and Nate Ditmar.</p> <p>11 Q Okay. Okay. So for each of those five categories,  12 I would just like you to ask -- or I would like to  13 ask you a few questions about what they mean.</p> <p>14 A Sure.</p> <p>15 Q So what type of evidence do you analyze for disk  16 forensics?</p> <p>17 A Yeah. So by disk forensics, that would be -- let's  18 say if you are working on a case, and let's say you  19 had -- your client had an employee quit, go to work  20 for a competitor, and all of a sudden, you know,  21 clients are going to this new company. Well, we  22 have her old work computer. Bring it by. Let me  23 see what's there. So I have a physical disk. Oh,  24 it looks like on March 5 at 5:45 p.m. after hours  25 she plugs in a USB device, here's the serial</p>
<p style="text-align: right;">Page 51</p> <p>1 for me to do this. But my report did not help my  2 client at all. And they were not happy with me.  3 But it is what it is, and it was the truth. And  4 even though the source code of the Intoxilyzer was  5 horribly written, the thing still worked. And it  6 did what it was, you know, marketed to do, so...</p> <p>7 Q I'm going to ask you a few more questions about  8 your website. So, you know, forgive me, I'm not  9 asking you to recall or have memorized every web  10 page, but they are helpful for me as I try to  11 educate myself on this stuff. So on the CFS  12 website, there are five subtypes of digital  13 forensics that are identified there. There's disk  14 forensics, network forensics, Internet forensics,  15 email forensics, and cloud forensics. Does that  16 sound about right to you?</p> <p>17 A Yeah, I haven't looked at our website in a long  18 time.</p> <p>19 Q Okay. Do you know when it was last updated?</p> <p>20 A Well, I know that we have a designer working with  21 us right now to update it, so I want to say it's  22 probably been about two years or so since it's been  23 updated. If you have any suggestions, I would  24 appreciate it.</p> <p>25 Q No, I thought it was very slick, including your</p>	<p style="text-align: right;">Page 53</p> <p>1 number, and she copies these 1,400 files to that  2 thumb drive, and then she deletes all of those  3 files. Oh my God, give me a report. So, you know,  4 that would be a typical case that I would consider  5 disk forensics. Like you had the physical drive.</p> <p>6 Q Got it. That makes sense. For disk forensics, do  7 you apply a program to begin the analysis, or are  8 there certain places -- let's use the computer  9 example where you can see a history of downloads or  10 external devices inserted. How does that process  11 work?</p> <p>12 A Yeah. And again, it depends. So the first step  13 would be preservation, the imaging that I  14 mentioned. Because electronic evidence is very  15 fragile, and just turning on a computer, you modify  16 over 400 date and time stamps. And in a lot of my  17 cases -- not all of them, but in a lot of my cases,  18 time lines are important. What happened when. So  19 that's why that snapshot, that imaging is so  20 important. Because if I just take that laptop and  21 start clicking around, you know, now I'm modifying,  22 you know, the best evidence. So generally in disk  23 forensic cases, first step is preservation imaging,  24 I read the complaint, if there is one, or I read  25 the search warrant application, or I have a phone</p>

<p style="text-align: right;">Page 54</p> <p>1 call, like, you know, if I talk to you on the 2 phone. 3 "What's going on. I have this laptop." 4 "What are we trying to accomplish. Well, the 5 client thinks X, Y, and Z. Okay. How about if we 6 do this. I want to look for evidence of USB 7 activity, evidence of deletions. Because a lot of 8 times what we see is when data is stolen. They 9 then delete it because they think it'll hide their 10 tracks. You know, let me see if they uploaded data 11 to Dropbox, because they think if it's in a 12 browser, they are not going to get caught. And 13 then you say, "Yeah, that sounds good. Go ahead 14 and do that." And then I'll just execute the plan. 15 So I -- we preserve first. Then I formulate a plan 16 with the client, usually an attorney. Here's what 17 I want to do, are you okay with this. Once I get 18 that blessing, then we move forward with the 19 analysis. 20 Q Got it. So I guess what I'm trying to understand 21 is that you've got the image copy of the computer, 22 you want to look for deletions or movement or a 23 time line of what has happened here with -- let's 24 just use the example of a former employee. Do you 25 then, Mr. Lanterman, run a software program that</p>	<p style="text-align: right;">Page 56</p> <p>1 application looking to identify. If I don't find 2 that, I call you and I say, "Hey, I don't see 3 anything pertaining to Dorsey," then maybe you'll 4 produce that data. 5 Q Okay. Mr. Lanterman, is it fair to say that you 6 did not apply disk forensics to arrive at your 7 opinions in this case? 8 A Correct. 9 Q Let me ask you now about network forensics. What 10 type of evidence do you analyze for network 11 forensics? 12 A So again, it depends. Network forensics could 13 be -- there's a denial of service attack. There's 14 something going on related to your -- to your 15 network. You know, we -- "we think that we have 16 someone who's looking at inappropriate material 17 during lunch. Can you take a look at the network 18 traffic and see if that's true or not?" So it just 19 depends. 20 Q Okay. You look at servers for network forensics, 21 or is that something different? 22 A No, no. Sometimes. You know, I may want to look 23 at the drives on a server, or if that server 24 collects logs, those logs may be helpful. 25 Q Okay.</p>
<p style="text-align: right;">Page 55</p> <p>1 you've developed or your company has developed that 2 flags some of the suspicious markers on this 3 computer, or is it more of a manual process where 4 you've got the mouse and you are just looking at 5 some usual suspect locations on a computer? Does 6 that make sense? 7 A Great question. Both. 8 Q Okay. 9 A So you know, we may have tools that will compile 10 artifacts showing which websites were being visited 11 and when, or, you know, there may be a registry 12 that I want to look at. And I don't need to run 13 software because I know what it is I want to look 14 at. I go to that entry. Now I have the serial 15 number of a USB device being plugged in, and I have 16 the date and time. So if we -- if we need to run 17 software, we do that. Like, for example, let's say 18 if I've collected a bunch of email data -- and this 19 is not disk forensics -- but let's say you have had 20 me collect email data. And you have to produce 21 this to opposing counsel but you want to make sure 22 that you are not inadvertently turning over 23 privileged communications. So you may ask me, 24 "Mark, I need you to see if there are any emails to 25 or from anyone at dorsey.com. Then I would run an</p>	<p style="text-align: right;">Page 57</p> <p>1 A So I may ask for logs and not need to collect 2 everything off of a server. 3 Q What is the difference between network forensics 4 and Internet forensics? 5 A Yeah. So I would say that the difference is that 6 with network forensics, that has to do with your 7 environment. Internet forensics, we -- and you 8 know, maybe that's a -- that's a misnomer, but with 9 Internet forensics, that can be we have a client 10 and someone is posting derogatory information about 11 the client online. They are -- they are submitting 12 one-star reviews on Google, and it's causing our 13 client a big problem. What -- what can we do to 14 help. 15 Q Okay. 16 A You know, so I would -- you know, I would say that 17 network forensics, that's kind of in here. 18 Internet forensics is kind of a broader 19 environment. 20 THE VIDEOGRAPHER: We are going off the 21 record. The time now is 10:43 a.m. 22 (A short recess was taken.) 23 THE VIDEOGRAPHER: We are going back on 24 the record. The time now is 10:44 a.m. 25 BY MR. EBNET:</p>

<p style="text-align: right;">Page 58</p> <p>1 Q Mr. Lanterman, before we broke, we were discussing  2 network forensics and Internet forensics. And as I  3 understand it, you described network forensics as  4 an examination of -- sort of inside the company  5 environment, and Internet forensics is a little bit  6 broader. You are looking at what's out there and  7 what an employee may have done outside of the  8 internal network?</p> <p>9 A Yes. Generally speaking, I mean, Internet  10 forensics could also be, you know, monitoring  11 social media or threats. Like, for example, let's  12 say if your client is a -- you know, is an  13 agricultural product provider. And let's say if  14 there are protests because, you know, we don't like  15 what you do to our corn or whatever, we monitor  16 social media looking for -- you know, trying to  17 predict things like protests or, you know, what is  18 the sentiment. Does the -- does the public like  19 your company or not like your company. Do they --  20 did they like the CEO or not like the CEO. Did  21 someone post the address of the CEO's kids' school.  22 Well, that could be a problem.</p> <p>23 Q Did you apply network forensics to arrive at your  24 opinions in this case?</p> <p>25 A Well, I think so. And what I mean by that is</p>	<p style="text-align: right;">Page 60</p> <p>1 Q How about tracing, what is that?</p> <p>2 A Well, I don't know what -- what you mean by that.</p> <p>3 Tracing -- how I use it is let's say if someone has  4 sent one of your partners a threatening email and  5 they send -- either anonymously or the sender  6 denies they sent that. You know, we can look at  7 that original message and make a determination if  8 it's authentic or not. You know, just as an  9 example, you know, we were commissioned by CBS to  10 analyze the authenticity of Hunter Biden's laptop.  11 We were able to confirm that, yep, these emails are  12 authentic, and it's not a plant. You know, there  13 are algorithms that are used by email servers, and  14 most of us don't know that. And, you know, someone  15 can not tell the truth, and we can prove that they  16 are not telling the truth.</p> <p>17 Q Got it. So the application of network forensics to  18 this case that you are describing is logging into  19 the K2P platform, right?</p> <p>20 A Yes.</p> <p>21 Q And the way you did that is counsel sent you a  22 username and password, right?</p> <p>23 A Yes.</p> <p>24 Q And you went to the home page that the log-in link  25 would send you, and you used those credentials, is</p>
<p style="text-align: right;">Page 59</p> <p>1 that -- it's how I access the portal. You know, I  2 didn't go on social media or anything like that,  3 but you know, I did access the portals over the  4 Internet. So...</p> <p>5 Q Did you -- I understand that sniffers and tracing  6 is a part of network forensics, is that fair?</p> <p>7 A It can be.</p> <p>8 Q What are those tools?</p> <p>9 A So, like, sniffing is the -- I don't know if  10 interception is the right word, but it's the  11 collection of data going over a network wire.</p> <p>12 Q Okay.</p> <p>13 A So it is -- you have to be careful doing that  14 because it's a violation of 18 UCS 1030, so you  15 know, it's technically a wiretap when you collect  16 data over the wire like that. But it can be done.  17 That is one thing that hackers do. For example,  18 if you are on an airplane and if you are using, you  19 know, Gogo Inflight, well, if I'm sitting in the  20 back of the plane, I might run a sniffer and now I  21 have your username and passwords for your New York  22 Times subscription. You know. So that's what  23 sniffing is.</p> <p>24 Q Okay.</p> <p>25 A And no, I didn't need to do that here.</p>	<p style="text-align: right;">Page 61</p> <p>1 that right?</p> <p>2 A Yes.</p> <p>3 Q What is cloud forensics? What sort of evidence do  4 you analyze there?</p> <p>5 A So cloud forensics, again, can be a few -- you  6 know, it's different things to different people.  7 But often what it is in my case is  8 misappropriations. It's the theft of data where,  9 you know, an example would be if you are leaving  10 your employment and you decide that client list --  11 you know, that's my list, even though it's the  12 company's list, these are my contacts. I'm taking  13 it. But I don't want to get jammed up. So I'm  14 just going to upload it to my personal Dropbox  15 account and no one is going to know. Well, we  16 know, and we can prove it. So anything having to  17 do with cloud services, like Salesforce or Dropbox  18 or Box or SharePoint, I consider that to be cloud  19 forensics.</p> <p>20 Q Okay. Did you apply techniques from cloud  21 forensics to the evidence at issue in this case?</p> <p>22 A No.</p> <p>23 Q Last one I think from the list of five is email  24 forensics. I have a guess on what sort of evidence  25 you analyze, but why don't you tell me what sort of</p>

<p style="text-align: right;">Page 62</p> <p>1 evidence do you analyze with email forensics?</p> <p>2 A So with email forensics, kind of like the example I</p> <p>3 just gave.</p> <p>4 Q Yeah.</p> <p>5 A If there are emails that are being challenged or</p> <p>6 questioned or, you know, they appear to be</p> <p>7 fabricated, you know, we -- we can often determine</p> <p>8 if emails had been modified after the fact. Like</p> <p>9 as an example, let's say there's an email that</p> <p>10 says, "Yes, I'll give you a 50 percent raise."</p> <p>11 Well, in the sender's eye, I didn't say that. That</p> <p>12 was a 5 percent raise. Well, could it be a typo?</p> <p>13 Absolutely not. I look at the email on his or her</p> <p>14 computer, I take a look at the email that was on</p> <p>15 the other side, and, you know, we can -- we can</p> <p>16 typically identify that fabrication.</p> <p>17 Q Okay. And as a part of email forensics, are you</p> <p>18 looking at metadata that's associated with email as</p> <p>19 well?</p> <p>20 A Yeah, I think that's fair to say.</p> <p>21 Q Okay. In this case you did review email</p> <p>22 correspondence that had been produced in discovery,</p> <p>23 right?</p> <p>24 A Yes.</p> <p>25 Q But your focus there, I take it, was a little bit</p>	<p style="text-align: right;">Page 64</p> <p>1 A No -- well, yes and no. When a -- when an email is</p> <p>2 in its native original electronic format, it has --</p> <p>3 so and you are referring to it as metadata, but it</p> <p>4 has associated with it something called headers.</p> <p>5 And headers can be the originating IP address,</p> <p>6 which servers did that email pass through to get to</p> <p>7 you. That -- there is an algorithmic value</p> <p>8 assigned, and that's what -- and it's just an</p> <p>9 encrypted line. And we can process that to verify</p> <p>10 authenticity because that should match -- that</p> <p>11 encrypted data should match the unencrypted data.</p> <p>12 Q Yeah.</p> <p>13 A So if there's a difference -- and most people can't</p> <p>14 read that encrypted data.</p> <p>15 Q Yep. And so what I'm trying to understand -- and I</p> <p>16 think you've answered the question, but let me just</p> <p>17 make sure I'm clear. When Dorsey, for example,</p> <p>18 produced emails to opposing counsel that you</p> <p>19 reviewed in this case, there was also some</p> <p>20 metadata, including some of the tags that you are</p> <p>21 describing now that was produced. But for purposes</p> <p>22 of your review, when you are trying to get context,</p> <p>23 those bits of information weren't important to you</p> <p>24 as you looked at the emails. Is that fair?</p> <p>25 MS. MUIRHEAD: Objection, form.</p>
<p style="text-align: right;">Page 63</p> <p>1 different than some of the email forensics you are</p> <p>2 describing now. If I'm understanding what you say</p> <p>3 in your report, it's that you looked at emails to</p> <p>4 kind of stitch together the time line of events</p> <p>5 that happened in this case, is that fair?</p> <p>6 THE WITNESS: Yes.</p> <p>7 MS. MUIRHEAD: Objection, form.</p> <p>8 BY MR. EBNET:</p> <p>9 Q But the email forensics that you are describing</p> <p>10 here is a little bit different. Was there</p> <p>11 manipulation of an email, for example, is that</p> <p>12 right? That is one of the things that you do for</p> <p>13 email forensics?</p> <p>14 A Yes.</p> <p>15 Q You look at the metadata, for example?</p> <p>16 A Yes.</p> <p>17 Q And you didn't do those particular things in this</p> <p>18 case when you were looking at the emails?</p> <p>19 A No. When reviewing the emails, that was done to</p> <p>20 get some context. So I wasn't analyzing the emails</p> <p>21 I received for fabrication or anything like that.</p> <p>22 Q All right. And you described getting them in a PDF</p> <p>23 document. Did you have the metadata that was</p> <p>24 associated with the emails when you received those</p> <p>25 documents?</p>	<p style="text-align: right;">Page 65</p> <p>1 THE WITNESS: You know, I don't -- I'm</p> <p>2 hesitant to say it wasn't important. And I don't</p> <p>3 know what format Dorsey produced in, but I received</p> <p>4 PDFs. And when a -- when an email is printed to a</p> <p>5 PDF file, it will typically lose the header</p> <p>6 information, but it will contain the data that you</p> <p>7 would see if you printed it to a piece of paper.</p> <p>8 BY MR. EBNET:</p> <p>9 Q And so things like the day and time it was sent.</p> <p>10 You were able to see that, of course, right?</p> <p>11 A Yes.</p> <p>12 Q And you were able to see the substance of what the</p> <p>13 authors of those emails were saying?</p> <p>14 A Yes.</p> <p>15 Q And that's -- that sort of information is what you</p> <p>16 used for the context that you were describing as</p> <p>17 you then went on to do the analysis of the learning</p> <p>18 platforms, is that right?</p> <p>19 A Yes.</p> <p>20 Q Okay. Your CV, Mr. Lanterman, also indicates that</p> <p>21 you are a co-author of an e-discovery desk book,</p> <p>22 right?</p> <p>23 A Yes.</p> <p>24 Q And?</p> <p>25 A Now I'm co-author and an author.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q Okay.</p> <p>2 A So I have -- it just came out last week.</p> <p>3 Q Okay. So what is the -- so I'm familiar with your</p> <p>4 co-authored chapter, which I think is Forensic</p> <p>5 Experts, When and How to Leverage the Talent?</p> <p>6 A You are good.</p> <p>7 Q Got it written down. What is the chapter that you</p> <p>8 are the solo author for?</p> <p>9 A So -- and that just came out. I wrote a chapter on</p> <p>10 digital -- leveraging digital forensics in criminal</p> <p>11 cases.</p> <p>12 Q Okay. Well, I look forward to reading that. Is it</p> <p>13 fair to say that you did not apply that expertise</p> <p>14 because it would relate to criminal proceedings to</p> <p>15 this case?</p> <p>16 A Yeah, correct.</p> <p>17 Q Well, I will ask you just a few questions about the</p> <p>18 chapter that I have read. Who's your co-author?</p> <p>19 A John Degnan, D-E-G-N-A-N, and he's with -- well,</p> <p>20 they used to be Briggs, now they are Taft.</p> <p>21 Q Okay. A lawyer, I take it?</p> <p>22 A A lawyer.</p> <p>23 Q Okay.</p> <p>24 A And John's role in that chapter was as editor. You</p> <p>25 know, so I wrote the chapter, and then John added a</p>	<p style="text-align: right;">Page 68</p> <p>1 evidentiary findings in a way that you get it, or</p> <p>2 more importantly, in a way that the fact finder</p> <p>3 understands it, then really -- if I can't do that,</p> <p>4 I bring no value. So I think it is important when</p> <p>5 you are working with an expert, to work with an</p> <p>6 expert who's not so techy that you don't understand</p> <p>7 what he or she is saying.</p> <p>8 Q And that value that you and others in your field</p> <p>9 bring, is part of that because if I was looking at</p> <p>10 digital evidence, I very likely wouldn't understand</p> <p>11 what I'm looking at, and your job is to take that</p> <p>12 digital evidence and tell me and others in a way</p> <p>13 that makes sense what it is that that evidence</p> <p>14 says. Is that fair?</p> <p>15 MS. MUIRHEAD: Objection, form.</p> <p>16 THE WITNESS: Yes and no. I don't want</p> <p>17 to say you would look at something and not</p> <p>18 understand it. What my experience is, is you may</p> <p>19 look at something and misinterpret it. As an</p> <p>20 example, we have multiple cases in which</p> <p>21 individuals have been charged with inattentive</p> <p>22 driving by the BCA, or they did the forensics, and</p> <p>23 it turns out that the BCA misinterpreted that data.</p> <p>24 And we had been hired by the defense on a number of</p> <p>25 cases, and I -- I have a transcript in which a BCA</p>
<p style="text-align: right;">Page 67</p> <p>1 sentence here and there.</p> <p>2 Q Okay. Okay. In your chapter you write that "A</p> <p>3 forensic expert conducts the analysis on the data</p> <p>4 and then presents the data and devices to the legal</p> <p>5 team. This always involves complex technical</p> <p>6 findings." Does that sound about like something</p> <p>7 you may have written?</p> <p>8 A Sounds like something John wrote.</p> <p>9 Q Okay.</p> <p>10 A You know, not all findings are super complex.</p> <p>11 Q Okay.</p> <p>12 A And I'll make sure that that gets corrected in the</p> <p>13 next.</p> <p>14 Q You also write that the job of a computer forensic</p> <p>15 expert is to be a translator for digital evidence.</p> <p>16 Do you recall that?</p> <p>17 A Yes, I wrote that.</p> <p>18 Q What does it mean to be a translator of digital</p> <p>19 evidence?</p> <p>20 A I think the problem is that IT people, we are</p> <p>21 horrible communicators. And I bet you know that</p> <p>22 firsthand. We use technical terms that no one else</p> <p>23 understands, and we kind of like it that way</p> <p>24 because we think it's job security. But the</p> <p>25 problem is if I cannot explain to you complex</p>	<p style="text-align: right;">Page 69</p> <p>1 agent said, "Oh, yeah, Lanterman is right. We made</p> <p>2 a mistake. And it's -- it is easy to misinterpret</p> <p>3 something. You know, you may look at a piece of</p> <p>4 evidence and say, "Oh, my gosh, this is so obvious.</p> <p>5 Get a -- you know, that's why we do peer review,</p> <p>6 because I don't want to get in the habit of looking</p> <p>7 at something thinking, "Oh, yeah, I get this."</p> <p>8 BY MR. EBNET:</p> <p>9 Q Okay.</p> <p>10 A You know, I want to make sure that we are right.</p> <p>11 Q The example that you gave with the BCA is</p> <p>12 interesting to me because there you've got somebody</p> <p>13 with presumably technical expertise --</p> <p>14 A Presumably.</p> <p>15 Q -- misinterprets the data, as you've described it.</p> <p>16 What about the case where you're telling a juror</p> <p>17 who doesn't have the same experience as the BCA, do</p> <p>18 you have the same misinterpretation concern, or is</p> <p>19 it trying to tell an ordinary person what it is</p> <p>20 that they are looking at?</p> <p>21 A Yeah. Again, a good question. I think the problem</p> <p>22 coming in -- and I'll stick to this example. I</p> <p>23 think the problem comes in when you have an agent</p> <p>24 from the BCA under the imprimatur of a state law</p> <p>25 enforcement agency giving information and</p>



<p style="text-align: right;">Page 82</p> <p>1 Way." And the Elvis Presley version and the Sid  2 Vicious version are derivative of the Frank Sinatra  3 version. The -- the key maybe different, maybe a  4 couple of words changed here and there, maybe the  5 tempo -- I'm not a musician, but, you know, like  6 the tempo of things may be a little different. But  7 the fact is without Frank's version, there would  8 not have been a Presley version or a Sid Vicious  9 version the way that they turned out without that  10 initial building block. And it's -- it's my  11 opinion that K2P's version is Frank, and everything  12 that came after is a derivative from that original.  13 So I know that's kind of a -- you know, unusual  14 explanation, but I thought that it was one way to  15 kind of explain my position.  16 Q I'll do my best to -- my best to continue that  17 example in asking my questions.  18 A Okay.  19 Q So implicit in your findings in this case is that  20 the K2P version of the platform and the features  21 and functionalities that you observed there are the  22 Frank Sinatra. They are the original, right?  23 A Yes.  24 Q And so just like if Frank Sinatra's version of the  25 song wasn't the original, and there was somebody</p>	<p style="text-align: right;">Page 84</p> <p>1 Q To be clear, you have not seen evidence that CWS  2 took the source code belonging to K2P and then  3 added some nuance to that specific source code,  4 that's not what you are saying in this case, right?  5 A I -- I am not saying that. No. And to be clear,  6 I've seen no evidence to indicate the theft of  7 source code. What I am saying is I really like  8 your chair, but I don't want to pay for it. I'm  9 just going to build my own. So I'm going to  10 measure it, I'm going to weigh it, I'm going to get  11 a sample of the leather, and I'm going to -- I'm  12 going to build a chair that's derivative of the one  13 that you are sitting in.  14 Q Okay. Some of what we are talking about right now,  15 I think, is embodied in paragraph two of your  16 report, which I would like you to look at. So in  17 the -- after the comma, I see a sentence that says,  18 "Mayo looked to the programmed functionality of  19 K2P's platform to develop its own product." Do you  20 see that?  21 A Yes.  22 Q And I asked you about programmed functionality  23 earlier, and what I took you to say -- but I trust  24 that you'll correct me if I'm wrong -- is that  25 that's how a website functions and looks when</p>
<p style="text-align: right;">Page 83</p> <p>1 before him who authored that song, if that is also  2 true in this case, that would change your opinion?  3 MS. MUIRHEAD: Objection, form.  4 THE WITNESS: Well, there was a version  5 before Frank Sinatra -- and most people don't know  6 it, but David Bowie wrote the words for it. So I  7 thought that was kind of interesting. What -- what  8 I am saying is it is -- and I think Mr. Robinson  9 testified to this as well, it is easier to build  10 off of something that is already in place than to  11 start from scratch. And I believe that's what Mayo  12 did. I believe that K2P offered the functionality  13 that Mayo wanted. I have seen emails saying "This  14 is what we like. Do something like this." And CWS  15 did that. Okay. So I'm not saying that Elvis  16 broke into Frank's house and stole the sheet music,  17 but I'm saying that the spirit went along for the  18 ride. And it was the functionality and the ability  19 to build on a song that was already written, so...  20 BY MR. EBNET:  21 Q Okay. I want to try to clean up one thing. I  22 thought I heard you say -- you said it's easier to  23 build off of something that already exists. Did I  24 hear that right?  25 A Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 viewed by a user. Is that right?  2 MS. MUIRHEAD: Objection, form.  3 Objection to the extent it misstates prior  4 testimony.  5 THE WITNESS: Yes, but also -- so by  6 functionality, I'll say that means what it does.  7 BY MR. EBNET:  8 Q And let me pause there just for a moment,  9 Mr. Lanterman. Is there a difference between  10 functionality and programmed functionality?  11 Because you use the word "programmed  12 functionality," so I want to make sure that's what  13 we are talking about here?  14 A Yeah. And I'm sorry, I should have been clear.  15 No, I'm taking that phrase all in one.  16 Q Okay.  17 A So all that programmed functionality means is  18 someone wrote it to do something specific. You  19 know, what -- what action occurs, you know, what do  20 you see when you click on this button versus this  21 button?  22 Q Okay.  23 A It's how it functions.  24 Q Okay. And when you say "what you see," you are  25 talking about what a user would see?</p>



<p style="text-align: right;">Page 86</p> <p>1 A That's correct.</p> <p>2 Q You looked at -- when you did your analysis, that</p> <p>3 I'll talk about in a little bit, you saw the same</p> <p>4 things that a user would see when they logged in,</p> <p>5 for example, to the K2P platform?</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 A And if I could add one thing, you know, I'm a</p> <p>9 visual person, so I like little screenshots. So if</p> <p>10 you go to page 11 of my report --</p> <p>11 Q Well, Mr. Lanterman, I'm going to stop you. I'm</p> <p>12 sorry, I'm going to stop you there. We will</p> <p>13 absolutely get on to page 11 --</p> <p>14 A Oh, okay.</p> <p>15 Q -- but let me --</p> <p>16 A I'm sorry.</p> <p>17 Q -- continue here for a little bit.</p> <p>18 A Sure.</p> <p>19 Q No problem. From a programming perspective, you</p> <p>20 don't know how the features that you observed on</p> <p>21 the K2P platform were built, right?</p> <p>22 A That's hard to answer.</p> <p>23 Q Let me ask a different question then. You didn't</p> <p>24 speak -- you testified earlier that you didn't</p> <p>25 speak to any of the developers that had written the</p>	<p style="text-align: right;">Page 88</p> <p>1 reviewed, I want that on either the first or the</p> <p>2 second page." You know, I'm giving you a guide.</p> <p>3 And if I give you a guide, when you go to write</p> <p>4 your next report, that hopefully will save you some</p> <p>5 time because you know what information goes where.</p> <p>6 Q That's also true, is it not, if you are the author</p> <p>7 of that previous guide. For example,</p> <p>8 Mr. Lanterman, if you've reviewed many cell phones</p> <p>9 in the past and you have a template, obviously the</p> <p>10 facts change, but you have a template for how you</p> <p>11 write a report that analyzes a cell phone and the</p> <p>12 data therein. That working example, if it's your</p> <p>13 own, that also saves you time in the future, right?</p> <p>14 MS. MUIRHEAD: Objection, form.</p> <p>15 THE WITNESS: Absolutely, but that's</p> <p>16 not what happened here.</p> <p>17 BY MR. EBNET:</p> <p>18 Q Okay. If you would, please, turn to page 17 of</p> <p>19 your report -- or I'm sorry, paragraph 17 on page</p> <p>20 4?</p> <p>21 A 17?</p> <p>22 Q Yep, paragraph 17, my mistake.</p> <p>23 A That's okay. Okay.</p> <p>24 Q Did you collect any digital evidence in order to</p> <p>25 conduct your analysis in this case?</p>
<p style="text-align: right;">Page 87</p> <p>1 code that drives the K2P platform, right?</p> <p>2 A That's -- that's correct.</p> <p>3 Q You were not there when the platform was developed,</p> <p>4 right?</p> <p>5 A That's correct.</p> <p>6 Q You don't know the time or expense it took either</p> <p>7 K2P or CWS to build the K2P platform and the MedEd</p> <p>8 Manager platform respectively, right?</p> <p>9 A That's correct.</p> <p>10 Q And there might be some, again, imprecision here,</p> <p>11 so forgive me, but you also don't know the coding,</p> <p>12 the coding language that was used for the K2P</p> <p>13 platform, right?</p> <p>14 A That's correct.</p> <p>15 Q And you also don't know the coding language that</p> <p>16 was used for the MedEd Manager platform?</p> <p>17 A That's correct.</p> <p>18 Q Do you know how much time it took CWS to build the</p> <p>19 MedEd Manager platform?</p> <p>20 A I don't, but I will say that when you have a</p> <p>21 working example, it can help you save time. So,</p> <p>22 you know, for example, if I put a report in front</p> <p>23 of you and I say, "Okay, this is how I want reports</p> <p>24 to look. I want an introduction here and then I</p> <p>25 want a heading that says, you know, materials</p>	<p style="text-align: right;">Page 89</p> <p>1 A I did. I created screenshots.</p> <p>2 Q Okay. Are the screenshots that you created the</p> <p>3 ones that are in your report?</p> <p>4 A At least one of them is, yes.</p> <p>5 Q Which one is that? I see three figures, Figure 1,</p> <p>6 Figure 2, and Figure 3. Which is the screenshot?</p> <p>7 A So Figure 1, Figure 2, and Figure 3.</p> <p>8 Q Those are screenshots, Mr. Lanterman --</p> <p>9 A Yes.</p> <p>10 Q -- that you took? And you took those screenshots</p> <p>11 when you logged on using user credentials that you</p> <p>12 had been provided in this case, right?</p> <p>13 A Yes.</p> <p>14 Q Other than these screenshots, did you image any</p> <p>15 digital evidence in this case?</p> <p>16 A Imaged as in creating forensic images?</p> <p>17 Q Exactly, the process you were describing to me</p> <p>18 earlier?</p> <p>19 A Well, I asked for Ms. Babcock's computer, but I was</p> <p>20 told that Mayo destroyed it. So I did not have an</p> <p>21 opportunity to image that. I'm trying to think if</p> <p>22 I asked for any other. I know that I asked for the</p> <p>23 source code, and I didn't receive that. I don't</p> <p>24 think I forensically imaged data in this case.</p> <p>25 Q Does taking a screenshot like you did in this case</p>

<p style="text-align: right;">Page 102</p> <p>1 THE WITNESS: No.</p> <p>2 MR. EBNET: Okay. Why don't we stop</p> <p>3 there. Let's take about an hour break and we can</p> <p>4 resume.</p> <p>5 THE WITNESS: Okay.</p> <p>6 THE VIDEOGRAPHER: We are going off</p> <p>7 record at 11:46 a.m.</p> <p>8 And this concludes Media Unit Number 2.</p> <p>9 (A short recess was taken.)</p> <p>10 THE VIDEOGRAPHER: We are going back on</p> <p>11 the record at 12:46 p.m. This is the beginning of</p> <p>12 Media Unit Number 3.</p> <p>13 BY MR. EBNET:</p> <p>14 Q Mr. Lanterman, I want to clean up a few things that</p> <p>15 I neglected to ask you about in the first half of</p> <p>16 the day. You recall that we had a discussion about</p> <p>17 some of the categories of forensics that your</p> <p>18 company routinely participates, things like disk</p> <p>19 forensics. Do you recall that discussion?</p> <p>20 A Yes.</p> <p>21 Q And one of the categories was internet forensics,</p> <p>22 do you recall that?</p> <p>23 A Yes.</p> <p>24 Q And I neglected to ask, did you apply internet</p> <p>25 forensics to the evidence at issue in this case?</p>	<p style="text-align: right;">Page 104</p> <p>1 of you?</p> <p>2 A I do.</p> <p>3 Q Okay. And here you identify six features that Mayo</p> <p>4 purportedly instructed CWS to create on a platform.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q There are content library, right?</p> <p>8 A Yes.</p> <p>9 Q Test assessments?</p> <p>10 A Yes.</p> <p>11 Q Personalized learning?</p> <p>12 A Yes.</p> <p>13 Q Maintenance of certification credits?</p> <p>14 A Yes.</p> <p>15 Q Note-taking capability?</p> <p>16 A Yes.</p> <p>17 Q And finally an option for video or audio</p> <p>18 presentations. Do you see that?</p> <p>19 A Yes, I do.</p> <p>20 Q Okay. Have you investigated whether any of these</p> <p>21 six features were available on learning management</p> <p>22 systems other than K2P?</p> <p>23 A Well, I did review the deposition transcript of</p> <p>24 Mr. McGinnis, and I believe, if I recall -- it's</p> <p>25 been a while since I've reviewed that -- but I</p>
<p style="text-align: right;">Page 103</p> <p>1 A Well, I did use the internet to conduct an</p> <p>2 analysis. I would say yes.</p> <p>3 Q Beyond using the internet to access the K2P</p> <p>4 platforms, were there any forensic programs that</p> <p>5 you used for internet forensics?</p> <p>6 A Well, I used a web browser to access the portals --</p> <p>7 Q Google?</p> <p>8 A -- to conduct my analysis.</p> <p>9 Q Like Firefox or --</p> <p>10 A Yeah, Chrome.</p> <p>11 Q Chrome is what you used? Okay. Do you have a</p> <p>12 version of Chrome that is different from the</p> <p>13 version of Chrome I have on my computer?</p> <p>14 A I don't know. I always use the most current</p> <p>15 version. So if you too are using the most current</p> <p>16 version, then yes.</p> <p>17 Q Okay. So other than needing to access the K2P</p> <p>18 platform and the MedEd Manager platform online,</p> <p>19 anything else from the internet forensics</p> <p>20 discipline that you applied to reach your opinions</p> <p>21 in this case?</p> <p>22 A No, I didn't -- I don't think anything else was</p> <p>23 necessary.</p> <p>24 Q Mr. Lanterman, if you turn to paragraph 29 of your</p> <p>25 report. Do you still have that document in front</p>	<p style="text-align: right;">Page 105</p> <p>1 believe that Mr. McGinnis stated that these</p> <p>2 features had not been in place.</p> <p>3 Q Okay. So setting aside the testimony of</p> <p>4 Mr. McGinnis, have you conducted an independent</p> <p>5 investigation into whether or not these six</p> <p>6 features were available on other platforms?</p> <p>7 A I thought that Mr. McGinnis answered the questions</p> <p>8 that I had. So other than reviewing his testimony,</p> <p>9 which I assume was under oath and truthful, I</p> <p>10 conducted no independent analysis.</p> <p>11 Q You mentioned earlier, I think in connection with</p> <p>12 your teaching work, a learning management system</p> <p>13 called Canvas. Did I get that right?</p> <p>14 A Yes.</p> <p>15 Q Is that the one that's used at Hamline or</p> <p>16 St. Thomas or both?</p> <p>17 A I think they both use it.</p> <p>18 Q Okay. And you used that learning management system</p> <p>19 to teach your course?</p> <p>20 A Yes. That's the platform that the -- that the</p> <p>21 school has invested in. So, you know, all classes.</p> <p>22 And, you know, all classes with remote students</p> <p>23 utilize that platform, to the best of my knowledge.</p> <p>24 Q Okay. And how do you specifically interact with</p> <p>25 the Canvas platform in connection with your</p>

<p style="text-align: right;">Page 106</p> <p>1 teaching responsibilities?</p> <p>2 A Through a web browser. I need to go to a specific</p> <p>3 URL. I authenticate using a username and password,</p> <p>4 and then I'm presented with the Canvas portal, and</p> <p>5 then from that portal I can manage my class. So I</p> <p>6 can upload my recorded lectures. I can -- well,</p> <p>7 one thing that I like to do is I like having my --</p> <p>8 my students discuss weekly the latest cyber event</p> <p>9 in the news -- and there's always multiple -- so</p> <p>10 just monitoring how comments are made. I -- I have</p> <p>11 a calendar so that students know when assignments</p> <p>12 are due or when quizzes or tests are coming up.</p> <p>13 Q Are the -- are the quizzes or tests administered</p> <p>14 through the portal or is that in person?</p> <p>15 A That's through the portal.</p> <p>16 Q Do you grade the assignments or tests through the</p> <p>17 portal?</p> <p>18 A Well, I -- I review what's there, but then with</p> <p>19 assignments, I print them out, I grade them, and</p> <p>20 then I upload the grades. So I would say it's a</p> <p>21 combination of both.</p> <p>22 Q I understand. Fair to say that your students, to</p> <p>23 get your remarks if you have any and their grade</p> <p>24 for the assignments, they log in to the portal and</p> <p>25 access that information that way?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q And then the third is the Mayo internal medicine</p> <p>2 course, right?</p> <p>3 A Yes.</p> <p>4 Q Okay. So the Mayo CV course portal, that is the</p> <p>5 MedEd Manager platform, is that right?</p> <p>6 A That's my understanding.</p> <p>7 Q Okay. For the K2P portal, how much time did you</p> <p>8 spend on that platform to conduct your analysis?</p> <p>9 A I believe -- boy, I hate to guess, I believe it was</p> <p>10 about two to three hours.</p> <p>11 Q Okay. Same question for the MedEd Manager</p> <p>12 platform, how long did you spend there to conduct</p> <p>13 your analysis?</p> <p>14 A I believe about the same.</p> <p>15 Q And just to be clear, that's an additional two to</p> <p>16 three hours?</p> <p>17 A Yes.</p> <p>18 Q All right. And then same question for the last</p> <p>19 platform, this Mayo internal medicine course, did</p> <p>20 you log in there?</p> <p>21 A I don't recall. If I did, it would be in my</p> <p>22 report. I'm drawing a blank on whether I did or</p> <p>23 not.</p> <p>24 Q Well, I'll ask you some additional questions on</p> <p>25 what you did and what you didn't, so we'll probably</p>
<p style="text-align: right;">Page 107</p> <p>1 A Yes and no. Often I will -- you know, if it's</p> <p>2 appropriate, I will communicate via -- via email.</p> <p>3 Sometimes if -- maybe if a student isn't doing</p> <p>4 well, I would prefer to reach out to them privately</p> <p>5 and just ask if, you know, is everything okay. You</p> <p>6 know, is there anything I can do to help you</p> <p>7 succeed? So I try to do that privately.</p> <p>8 Q Okay. Are any of the quizzes as a part of your</p> <p>9 classes -- are they multiple choice or essay</p> <p>10 format?</p> <p>11 A Both.</p> <p>12 Q Okay. All right. Let me return now,</p> <p>13 Mr. Lanterman, to your opinions in this case. And</p> <p>14 I want to specifically focus now on the three</p> <p>15 learning platforms that you describe in your</p> <p>16 report, and then the analysis that you conducted of</p> <p>17 them, okay?</p> <p>18 A Okay.</p> <p>19 Q All right. So the three learning management</p> <p>20 systems that I take away from your report that you</p> <p>21 reference are the K2P portal. We've talked about</p> <p>22 that, right?</p> <p>23 A Yes.</p> <p>24 Q The Mayo CV course portal, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 109</p> <p>1 arrive at an answer --</p> <p>2 A Okay.</p> <p>3 Q -- as we go through here. Let's -- let's return</p> <p>4 then to the K2P platform.</p> <p>5 A Okay.</p> <p>6 Q And walk me through how you got there. You know,</p> <p>7 what was your process to get in and then start</p> <p>8 conducting your analysis?</p> <p>9 A Sure. Is that described in my report? Is there a</p> <p>10 paragraph you want to direct me to?</p> <p>11 Q No, for this I would just like as you sit here</p> <p>12 today, if you could tell me what your analysis was?</p> <p>13 A And this was of the K2P?</p> <p>14 Q K2P platform, yep.</p> <p>15 A So with the K2P platform, I was supplied a URL and</p> <p>16 a username and password. I logged in. I walked</p> <p>17 through the different pages, clicked on the</p> <p>18 different buttons. I took a test. I failed the</p> <p>19 first time, I think I passed the second time, but</p> <p>20 the first one was not a good score. I took notes,</p> <p>21 took some screenshots. I was really focusing on</p> <p>22 the -- the experience, what's it like, you know, if</p> <p>23 I were a student. Is this organized? Is this</p> <p>24 intuitive? So...</p> <p>25 Q When you first log in, you enter the username and</p>

<p style="text-align: right;">Page 110</p> <p>1 password and clicked the proceed or log-in button,  2 whatever it says, do you land at a home page?  3 A Yeah, that's my recollection.  4 Q And then from there, how did you decide where to  5 go?  6 A Whatever was in front of me. I wanted to click on  7 many things. I wanted to experience as much of the  8 portal as I could. I don't recall which order I  9 went in. It's been a few months since I've looked  10 at this, but I -- I did not limit myself. I wanted  11 to see, you know, what was there and how students  12 would navigate.  13 Q Is it fair to say, Mr. Lanterman, that you put  14 yourself in the position of any user who might be  15 accessing the K2P platform?  16 A Yes.  17 Q To your understanding, you saw what an ordinary  18 user would see when they logged on?  19 A An ordinary user with credentials, right?  20 Q And you get those credentials by purchasing the  21 course, is that your understanding?  22 A That is my understanding. And this -- in this  23 case, I did not purchase credentials.  24 Q I'm glad you didn't.  25 A I received them.</p>	<p style="text-align: right;">Page 112</p> <p>1 looked at the code that was presented to the  2 browser, there are inspections that can be done.  3 I -- I looked at that. There was nothing that  4 jumped out at me as, you know, being important  5 enough to include in my report.  6 Q Okay. If I wanted to replicate, Mr. Lanterman, the  7 pathway that you took as you looked at the K2P  8 platform, how would I do that?  9 A You would open up a browser, you would put in the  10 proper URL, you should get the same credentials  11 that I had been provided, and then once you  12 authenticate, click on everything you see.  13 Q You don't have a list, do you, Mr. Lanterman, of  14 the order in which you clicked on the various  15 links?  16 A No.  17 Q You don't have a list of all of the links you  18 clicked on, right?  19 A No, just every link that I saw, everything that was  20 clickable, I clicked on.  21 Q And I take it you saw more available on the K2P  22 platform than is presented in the three figures in  23 your report, right?  24 A Yes.  25 Q Same question for the MedEd Manager platform, when</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Yep. Did you click on every link that was  2 available to you on the K2P platform?  3 A Every -- every link that I could see. So my answer  4 is yes. But if there was something hidden, I -- I  5 would not have seen that.  6 Q When you logged on to the K2P platform, did you run  7 any forensic diagnostics to compare or evaluate  8 what you were looking at?  9 MS. MUIRHEAD: Objection, form.  10 THE WITNESS: No, I didn't think that  11 that would be necessary. I didn't believe that  12 that was part of my objective. I wasn't trying to  13 dissect. I wasn't trying to do, you know, an  14 evaluation as to whether the code was well written  15 or not. Again, I wanted to -- I wanted to put  16 myself in the shoes of the user and document what  17 that user experience was.  18 BY MR. EBNET:  19 Q And to be clear, when you say you weren't doing an  20 analysis of the source code, at least as it relates  21 to logging in, you could not see the source code  22 when you logged in using the user credentials that  23 you had been provided?  24 A Yeah. I could not see the source code in its  25 entirety. I wasn't provided that. Certainly I</p>	<p style="text-align: right;">Page 113</p> <p>1 you were conducting your analysis, you saw more  2 information than it captured in the three figures  3 in your report, right?  4 A Yes.  5 Q If you look at paragraph 16 of your report,  6 Mr. Lanterman, which is on page 4 --  7 A Okay. Okay.  8 Q -- as I read this paragraph, you state -- and we've  9 touched on this a little bit previously, but that  10 you were not provided anything that was not  11 observable simply by accessing the portal as a  12 user. Do you see that?  13 A Yes.  14 Q And you agree as you sit here today?  15 A Yes.  16 Q All right. I want to drill down a little bit more,  17 Mr. Lanterman, on the specific course that you  18 looked at. So if you turn to page 9 of your report  19 and actually look at the footnote there, do you see  20 that footnote?  21 A Yes.  22 Q Let me know when you are ready.  23 A Okay.  24 Q Here as I read this, you describe a comparison you  25 conducted of this 2020 Interventional Cardiology</p>

<p style="text-align: right;">Page 114</p> <p>1 Online Board Review course. That's the one hosted 2 on MedEd Manager. And you compared that to the 3 Mayo Clinic Interventional Cardiology Online Board 4 Review, which is the one hosted on K2P's platform. 5 Do I have that right? 6 A Yes. 7 Q Do you understand that Interventional Cardiology 8 Online Board Review course to be one of the 9 subspecialty courses at issue in this case? 10 A Yes, that is my understanding. 11 Q Okay. How did you decide to analyze this specific 12 course? 13 A Well, I don't recall exactly what my thought 14 process was. I believe I thought that it would be 15 a good example. 16 Q Did you conduct this -- well, first, let me ask, 17 were there other board review courses available on 18 the K2P platform in the MedEd Manager platform? 19 A I don't recall. It's been a few months since I 20 looked at that. 21 Q Okay. Do you have any reason to disagree, with my 22 representation that there are many courses 23 available on the two platforms? 24 A Well, I have no reason to disagree with the caveat 25 that I've not looked at it in a few months.</p>	<p style="text-align: right;">Page 116</p> <p>1 K2P platform? 2 A Yeah, my -- and again, I hate to guess, but my -- 3 my vague recollection is they were all pretty 4 similar to this. But again, it's been a while 5 since I've looked. But my recollection is that 6 this is representative of what the other ones 7 looked like as well. 8 Q And I'm not trying to belabor the point, I'm just 9 trying to understand. I thought you had just said 10 that you -- first, you didn't know whether there 11 were other courses available or not, and then 12 second, that you didn't click into all of those 13 courses. I'm hearing something a little bit 14 different now, so help me understand. 15 A Yeah, so I don't specifically recall because it's 16 been a while. But as I sit here and I'm looking at 17 Figure 1, I do remember seeing that for other 18 courses. But again, it's -- it's been a while. 19 Q Okay. So the third platform that we talked about 20 at the outset was this Mayo internal medicine 21 platform, do you recall that? 22 A Yes. 23 Q And it's my understanding that the Mayo internal 24 medicine course was hosted on an entirely different 25 platform today called Ethos. Are you aware of</p>
<p style="text-align: right;">Page 115</p> <p>1 Q Okay. The analysis that you describe in your 2 report that relates to this Interventional 3 Cardiology course, did you replicate that analysis 4 for any of the other potential courses that may be 5 on the two platforms? 6 A If I did, it would be in my report. 7 Q And I don't see it there. Do you recall there 8 being a separate section in your report talking 9 about other courses? 10 A No. I think I chose to focus on this as an 11 example. 12 Q Okay. And I know it's been a few months, but how 13 did you make the determination that that would be a 14 representative example for the other courses or 15 information that is available in the platforms? 16 A Well, I didn't think that it would be helpful for 17 me to do this type of comparison for every course, 18 so I -- I chose this one. There was no, you know 19 there was no specific reason, it was just -- just 20 the one I chose. 21 Q So you don't know, for example, Mr. Lanterman, 22 whether Figure 1 in your report that's on 23 page 11 -- whether the information that's provided 24 there is the same or different between the 25 available courses -- other available courses on the</p>	<p style="text-align: right;">Page 117</p> <p>1 that? 2 A I believe that I am aware of that. 3 Q And the analysis that I see on paragraphs 31 4 through 34 in your report -- 5 A I'm sorry, 31 through 34? 6 Q Yeah, it's essentially the end of your analysis -- 7 A Okay. 8 Q -- in this section, yes. 9 A Okay. 10 Q When I read those paragraphs, it appears to me that 11 they all relate to this comparison that you 12 conducted between the MedEd Manager platform and 13 the K2P platform? 14 A Uh-huh, correct. 15 Q You are not expressing an opinion here about 16 whether the internal medicine platform, this Ethos 17 system, is similar or different compared to the K2P 18 platform? 19 A Yeah, I chose this as the example. 20 Q Right. And to drill down even further, you chose 21 not only this subspecialty course which we've 22 talked about, but you've chosen specifically the 23 MedEd Manager platform, not the Ethos platform to 24 do your comparison? 25 A I believe that's correct, yes.</p>

<p style="text-align: right;">Page 134</p> <p>1 there an underlying content that they have to be 2 tied to, is that fair? 3 A I don't know if it has to be anchored. It could 4 be. I guess it could be anchored, but I don't know 5 if it has to be anchored. 6 Q All right. Let's -- let's turn to G, subpart G, 7 which is course evaluations. That's on page 11. 8 A Okay. 9 Q Does the Canvas platform allow your students, 10 Mr. Lanterman, to review you as an instructor? 11 A I know that there are evaluations. I don't believe 12 that that is done through Canvas. I believe that 13 that is a separate communication from my 14 supervisors, like the people that write my checks 15 to the students, "Hey, we want to make sure that 16 you had a good experience. What did you like? 17 What didn't you like? How would you rate this? 18 What could we do better? What did you think about 19 the materials? You know, did it fulfill your 20 expectations?" and then it's -- that it's submitted 21 back. 22 So normally I initially get bypassed in 23 that. It goes to my associate dean, and then it 24 filters back to me, like, usually pretty quickly. 25 Q Okay. Is it your opinion, Mr. Lanterman, that K2P</p>	<p style="text-align: right;">Page 136</p> <p>1 said that. 2 BY MR. EBNET: 3 Q Okay. Well, let me just ask you that question 4 then. 5 A Okay. 6 Q Is there significant additional material available, 7 for example, on the K2P platform beyond the two 8 figures that you set forth here that relate to that 9 platform? 10 MS. MUIRHEAD: Objection, form. 11 THE WITNESS: Well, the underlying 12 material, when once you start clicking through the 13 links, would be additional materials. I did not 14 create screenshots for everything that came up on 15 my screen. 16 BY MR. EBNET: 17 Q Okay. And that's exactly what I'm asking. 18 A Sure. 19 Q So you didn't take a screenshot of the actual 20 lecture that's available online, right? 21 A That's correct. 22 Q Or all of the test questions that are available 23 online? 24 A That's correct. 25 Q Or the content recommendations that you received</p>
<p style="text-align: right;">Page 135</p> <p>1 invented the concept of submitting performance 2 reviews or any sort of reviews about instructors 3 and faculty? 4 A No. 5 Q All right. Let's turn to paragraph 34 now in the 6 subsequent three diagrams that you set forth in 7 your report. How did you -- we've talked about -- 8 a little bit about how -- the process in which you 9 captured these, which are all screenshots, I take 10 it, right? 11 A Yes. 12 Q How did you decide on these specific -- three 13 specific figures as opposed to all of the other 14 information that was available for this 15 Interventional Cardiology course? 16 A Well, I thought that these were good 17 demonstratives. So there's -- you know, really 18 nothing other than these were the examples that I 19 chose to include. 20 Q And based on the testimony that you've provided 21 today, I understand there is significant additional 22 material available to a user and available to you 23 that is not represented in these figures, right? 24 MS. MUIRHEAD: Objection, form. 25 THE WITNESS: Yeah, I don't know that I</p>	<p style="text-align: right;">Page 137</p> <p>1 after taking the examinations, right? 2 A That's correct. 3 Q And I take it from your testimony -- and this is 4 something I do think you said earlier -- that you 5 do not have a repository somewhere else outside of 6 this report documenting the various other 7 screenshots of other parts of the K2P platform? 8 A Correct. This is the totality of my opinion. 9 Q Yep. In Figure 1, what are you comparing here? 10 A Well, I'm comparing the organization and features 11 of K2P's portal to the Mayo's portal. 12 Q Okay. What would you call the -- the information 13 that's presented on the K2P portal and the MedEd 14 Manager portal that you are setting forth here. Is 15 this a table of contents? A syllabus? What would 16 you call this? 17 A Well, I would call this -- you know, I guess, you 18 know, any of the descriptions you just said would 19 be fine. I would refer to them as functions or 20 links. These are gateways to another place that a 21 learner may want to go to. 22 Q Once you selected, Mr. Lanterman, the 23 Interventional Cardiology course. Was this the -- 24 a portion of the first screen that you arrived at? 25 Do you understand what I'm asking?</p>




<p style="text-align: right;">Page 138</p> <p>1 MS. MUIRHEAD: Objection, form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. EBNET:</p> <p>4 Q Okay. Yes, you understand, or yes --</p> <p>5 A Yes, I understand, and yes, this is where I landed.</p> <p>6 Q Okay. Great. And on that landing page, is this a</p> <p>7 portion of the information that you could see there</p> <p>8 or was this the entire page?</p> <p>9 A Yeah, I don't recall. Yeah, I just don't recall.</p> <p>10 Q That's fair. And so you don't know as you sit here</p> <p>11 today one way or the other if, for example, on the</p> <p>12 K2P table of contents there is additional</p> <p>13 information displayed to the right or the left of</p> <p>14 what you've got in Figure 1 here?</p> <p>15 A Yeah, I don't recall. I think that the screenshot</p> <p>16 is the -- the total page, but again, I don't want</p> <p>17 to -- want to guess. So I don't know.</p> <p>18 Q And the -- if it's a portion or the entire page,</p> <p>19 you selected this because you thought it was a good</p> <p>20 demonstrative of the functionality between the two</p> <p>21 platforms, right?</p> <p>22 A I did, yes.</p> <p>23 Q Okay. And just to be clear, K2P's platform is on</p> <p>24 the left, the MedEd Manager platform is on the</p> <p>25 right in Figure 1?</p>	<p style="text-align: right;">Page 140</p> <p>1 Q Yep. And I see the arrows, and my --</p> <p>2 A Right.</p> <p>3 Q -- question, which you've answered, is the only</p> <p>4 identical term is faculty, right?</p> <p>5 A Yes.</p> <p>6 Q Okay. In other words, there are surface level</p> <p>7 differences, the visual differences that you noted</p> <p>8 earlier between the two platforms?</p> <p>9 A Yes, as referenced in paragraph 32.</p> <p>10 Q Right. Some of the things that I see -- you know,</p> <p>11 K2P's platform has icons, and Mayo's does not. Do</p> <p>12 you see that? Icons next to the link?</p> <p>13 MS. MUIRHEAD: Objection, form.</p> <p>14 THE WITNESS: I do, yes.</p> <p>15 BY MR. EBNET:</p> <p>16 Q Mayo has an "announcements" link, do you see that,</p> <p>17 Mr. Lanterman?</p> <p>18 A Yes.</p> <p>19 Q And K2P's does not?</p> <p>20 A Correct.</p> <p>21 Q And I don't see an arrow pointing between anything</p> <p>22 on the K2P side to the announcement side, right?</p> <p>23 A Correct.</p> <p>24 Q Mayo's has a "getting started" and "event</p> <p>25 dashboard," and I don't see any arrow linking those</p>
<p style="text-align: right;">Page 139</p> <p>1 A Yes.</p> <p>2 Q You added the arrows, right, Mr. Lanterman?</p> <p>3 A Yes.</p> <p>4 Q And what do they mean?</p> <p>5 A Well, I am trying to illustrate for the reader</p> <p>6 the -- the comparison. I'm trying to take the</p> <p>7 content of the left-hand side and direct the</p> <p>8 reader's attention to the course-responding</p> <p>9 functionality on the right-hand side.</p> <p>10 Q So let's just start with the top one. Why did you</p> <p>11 decide to draw an arrow between personalized</p> <p>12 learning on the left and then pre-assessment and</p> <p>13 post-assessments on the right?</p> <p>14 A Because those are nearly identical functions.</p> <p>15 Q How so?</p> <p>16 A Because there are pre assessments and</p> <p>17 post-assessments.</p> <p>18 Q Under the personalized learning --</p> <p>19 A Yes.</p> <p>20 Q -- link? Would you agree with me, Mr. Lanterman</p> <p>21 that only the word "faculty" is identical between</p> <p>22 the left and the right?</p> <p>23 A Well, identical, I would agree. But it does say</p> <p>24 "course evaluation," which points to "evaluation."</p> <p>25 "Content library" points to "course content."</p>	<p style="text-align: right;">Page 141</p> <p>1 to the K2P platform, is that right?</p> <p>2 A That's correct.</p> <p>3 Q Let's turn to the next page, Mr. Lanterman. And</p> <p>4 move on to Figure 2. Actually, I apologize, one</p> <p>5 more question about Figure 1?</p> <p>6 A Sure.</p> <p>7 Q You told me that you have an arrow between</p> <p>8 "personalized learning" and "pre-assessment and</p> <p>9 post-assessment" because, if I'm understanding you</p> <p>10 correctly, when you click on "personalized</p> <p>11 learning" for K2P, you go to pre-assessment and</p> <p>12 post-assessment tests, right?</p> <p>13 A Yes.</p> <p>14 Q But you did not do an analysis of how the questions</p> <p>15 or answers might be similar or different between</p> <p>16 the examinations that are available there?</p> <p>17 MS. MUIRHEAD: Objection, form.</p> <p>18 THE WITNESS: Correct. I did not put</p> <p>19 questions side by side.</p> <p>20 BY MR. EBNET:</p> <p>21 Q Okay.</p> <p>22 A And are we on page 12 now?</p> <p>23 Q Yes, we are.</p> <p>24 A Sure.</p> <p>25 Q What does Figure 2 show, Mr. Lanterman?</p>



<p style="text-align: right;">Page 146</p> <p>1 assessments results because it has a comparison</p> <p>2 between the pretest and post-test as I see it?</p> <p>3 A Yep, correct.</p> <p>4 Q I don't see a class average functionality, do you?</p> <p>5 A No.</p> <p>6 Q Similar to Figure 2 and Figure 1, was there other</p> <p>7 information displayed on the screen that is not</p> <p>8 captured in this screenshot in Figure 3?</p> <p>9 MS. MUIRHEAD: Objection, form.</p> <p>10 THE WITNESS: And I'm sorry, could you</p> <p>11 ask that again?</p> <p>12 BY MR. EBNET:</p> <p>13 Q Happy too. Figure 3 shows a screenshot that you</p> <p>14 took of the MedEd Manager platform, right?</p> <p>15 A Yes.</p> <p>16 Q Was there additional information displayed on the</p> <p>17 page beyond what is represented in Figure 3?</p> <p>18 A I believe that there was, but not relating to the</p> <p>19 results. So I believe that there were some icons</p> <p>20 that would have allowed me to get out of this</p> <p>21 screen and take me someplace else, but there was</p> <p>22 nothing -- there was no other information displayed</p> <p>23 relating to the results.</p> <p>24 Q Okay. Are you able to see from this results page</p> <p>25 the number of questions that you were asked and</p>	<p style="text-align: right;">Page 148</p> <p>1 Mayo's access credentials to view the K2P platform</p> <p>2 were shared with CWS. Do I have that right?</p> <p>3 A Yes.</p> <p>4 Q And I think that a note to look at, paragraph</p> <p>5 28D --</p> <p>6 A 28D?</p> <p>7 Q Yep, on page 7.</p> <p>8 A Okay.</p> <p>9 Q Do you know, Mr. Lanterman, the level of access</p> <p>10 that the credentials that you received for the K2P</p> <p>11 platform provided you?</p> <p>12 A I'm not sure how to answer that. Could you</p> <p>13 rephrase it?</p> <p>14 Q Let me ask it in a different way, yeah. You had</p> <p>15 ordinary user credentialing to access the K2P</p> <p>16 platform?</p> <p>17 MS. MUIRHEAD: Objection, foundation.</p> <p>18 Objection, form.</p> <p>19 THE WITNESS: That's my understanding,</p> <p>20 yes.</p> <p>21 BY MR. EBNET:</p> <p>22 Q Okay. You saw what a learner would see when they</p> <p>23 logged in, to the best of your understanding?</p> <p>24 A Yes.</p> <p>25 Q Okay. Have you seen any evidence describing the</p>
<p style="text-align: right;">Page 147</p> <p>1 answered?</p> <p>2 A No, not from this.</p> <p>3 Q The results here are expressed as percentages,</p> <p>4 right?</p> <p>5 A That's correct.</p> <p>6 Q Are these results that you got, Mr. Lanterman?</p> <p>7 A Yes.</p> <p>8 Q The first row under the basics, Mr. Lanterman, I</p> <p>9 see a heading that says, "Medical statistics,</p> <p>10 pearls for the boards." Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Is "pearls" another word that you've come across in</p> <p>13 your teaching experience?</p> <p>14 A I don't think so, no.</p> <p>15 Q The other aspect of your opinion, Mr. Lanterman,</p> <p>16 beyond the analysis of the platforms that we've</p> <p>17 just been talking about, is the email review that</p> <p>18 we discussed earlier. Do you recall that?</p> <p>19 A Yes.</p> <p>20 Q You described this review as providing the</p> <p>21 necessary context for you to provide your opinions</p> <p>22 in this case, right?</p> <p>23 A Yes.</p> <p>24 Q One of your conclusions, as I understand it from</p> <p>25 your review of the project correspondence, is that</p>	<p style="text-align: right;">Page 149</p> <p>1 level of access that CWS had if they logged in</p> <p>2 using the Mayo credentials?</p> <p>3 A I believe I read something about -- or describing</p> <p>4 the credentials supplied to CWS as administrator</p> <p>5 credentials.</p> <p>6 Q Do you know what that means?</p> <p>7 A Well, I think I know what that means. I don't know</p> <p>8 how, you know, people from other organizations</p> <p>9 think, you know, what they mean by that. You know,</p> <p>10 we -- you know, unfortunately IT people use terms,</p> <p>11 and we assume we all say it -- the same words for</p> <p>12 the same things. My understanding of admin is you</p> <p>13 can do pretty much whatever you want. So if I</p> <p>14 wanted to see if you were logged in, if I wanted to</p> <p>15 see your test results, if I wanted to see the last</p> <p>16 time you logged in, you know -- but I -- I did not</p> <p>17 have that level of access.</p> <p>18 Q Okay. What evidence are you thinking of that</p> <p>19 described this administrative access?</p> <p>20 A I believe that I read either -- well, I thought</p> <p>21 that it was in McGinnis's deposition transcript,</p> <p>22 but again, it's been a while since I've -- since</p> <p>23 I've seen that. I know -- I believe I read</p> <p>24 something describing the credentials as being</p> <p>25 administrative.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q Okay. And the specifics of what administrative 2 credentials mean in this case, you have a general 3 understanding of what they might mean, but you 4 haven't seen anything in the documents describing 5 exactly what that allowed CWS or Mayo or anybody 6 else to see or not see?</p> <p>7 A Yeah, correct. Administrative typically means just 8 that. You can -- you know, I don't want to sound 9 blasphemous, but it's often referred to as God 10 mode.</p> <p>11 Q Do you have administrative access for your 12 company's website?</p> <p>13 A Yes, I can do edits to the website.</p> <p>14 Q You can add news coverage that you've recently done 15 and put it on the website, right?</p> <p>16 A Yes.</p> <p>17 Q When I go to your website, I can't upload any video 18 I want to the front page of your website, right?</p> <p>19 A That's correct.</p> <p>20 Q Have you seen any evidence in this case, 21 Mr. Lanterman, that suggests that CWS could see the 22 source code of the K2P platform if they logged in 23 with the credentials that Mayo provided them?</p> <p>24 A I've not seen anything that would suggest that to 25 me. It's not surprising, they are kind of two</p>	<p style="text-align: right;">Page 152</p> <p>1 actually presented to them when they used that 2 password, if they did?</p> <p>3 MS. MUIRHEAD: Objection, form.</p> <p>4 THE WITNESS: I've not spoke with 5 anyone from CWS. I believe I read that they were 6 given administrative credentials to access K2P's 7 platform, but I've not spoken with anyone from CWS. 8 I wasn't in the room when this evaluation took 9 place.</p> <p>10 BY MR. EBNET:</p> <p>11 Q And again, what you've just described as you 12 don't -- you don't know one way or the other what 13 administrative access, if that was provided here -- 14 what that allowed CWS to see or not see?</p> <p>15 MS. MUIRHEAD: Objection, form.</p> <p>16 Objection, asked and answered.</p> <p>17 THE WITNESS: Yes and no. What I'll 18 add to that is if they had any kind of user 19 credential that authenticated, like a proper 20 password, they would have seen at least what I saw.</p> <p>21 BY MR. EBNET:</p> <p>22 Q And I'm sorry to interrupt, what you saw is what a 23 user would see, right?</p> <p>24 A That's correct.</p> <p>25 Q And I want to touch on paragraph 306 your report,</p>
<p style="text-align: right;">Page 151</p> <p>1 separate things. But with any kind of credential, 2 whether user or administrator, you would need that 3 kind of access to evaluate the functionality. But 4 I don't -- I have no reason to believe that CWS 5 accessed source code.</p> <p>6 Q Are you aware one way or the other, Mr. Lanterman, 7 if there were free trials offered for the K2P 8 platform where anybody could sign up?</p> <p>9 A I don't know.</p> <p>10 Q You have not performed a forensic analysis, 11 Mr. Lanterman, of the type of access that CWS may 12 have been given to the K2P platform?</p> <p>13 MS. MUIRHEAD: Objection, form.</p> <p>14 BY MR. EBNET:</p> <p>15 Q Is that right?</p> <p>16 A Well, I've reviewed documents discussing CWS's 17 access to the platform. If you want to call that 18 an analysis, you know. I mean, I read the 19 documents talking about it.</p> <p>20 Q You read the documents that have been produced in 21 this case, right?</p> <p>22 A Yes.</p> <p>23 Q And what I'm trying to understand is whether you 24 had any visibility into the actual username and 25 password that CWS may have been given and what was</p>	<p style="text-align: right;">Page 153</p> <p>1 Mr. Lanterman, which is on page 9?</p> <p>2 A Okay.</p> <p>3 Q Here you say, among other things, that the K2P 4 platform was a directing force in the development 5 of MedEd Manager, do you see that?</p> <p>6 A Yes.</p> <p>7 Q What do you mean by "directing force"?</p> <p>8 A Well, what I mean by that is I've read multiple 9 communications, and I had seen statements in 10 transcripts under oath in which CWS was directed to 11 look at K2P. You know, essentially that's what we 12 want, go look at it and make it happen. So by the 13 driving force, what I'm saying is that's -- that's 14 Frank's song, and I want to do something just like 15 he did. That analogy, I apologize, but...</p> <p>16 Q Does "directing force" mean the same thing to you 17 as inspiration? They wanted CWS to use the K2P 18 platform as inspiration?</p> <p>19 A I think it's a little bit more than inspiration. 20 You know, there's a -- there's a difference. If I 21 look at your law firm's website, it's really nice. 22 It's professional. I like the color scheme. And I 23 go back to my web developer, "Hey, can we do 24 something like that?" I -- I think that that's a 25 higher level than "I want you to replicate that."</p>

<p style="text-align: right;">Page 154</p> <p>1 This is exactly what I want. I want Dorsey's</p> <p>2 colors, I want Dorsey's logo, you know, you don't</p> <p>3 need to copy their web page word for word, but that</p> <p>4 gives you the gist. Go to dorsey.com and make my</p> <p>5 website look similar to that, look the same as</p> <p>6 that.</p> <p>7 Q Okay. Directing force does not mean that you have</p> <p>8 seen any evidence to suggest that Mayo or CWS</p> <p>9 copied source code from K2P, right?</p> <p>10 MS. MUIRHEAD: Objection, form.</p> <p>11 Objection, asked and answered.</p> <p>12 THE WITNESS: I've seen no evidence of</p> <p>13 the exfiltration of source code.</p> <p>14 MR. EBNET: Mr. Lanterman, I'm pretty</p> <p>15 close. Let's take a short break. I'll review my</p> <p>16 notes, and then hopefully we'll be close to being</p> <p>17 done.</p> <p>18 THE WITNESS: Awesome, thanks.</p> <p>19 THE VIDEOGRAPHER: We are going off the</p> <p>20 record at 1:57 p.m. This concludes Media Unit</p> <p>21 Number 3.</p> <p>22 (A short recess was taken.)</p> <p>23 THE VIDEOGRAPHER: We are going back on</p> <p>24 the record at 2:09 p.m. This is the beginning of</p> <p>25 Media Unit Number 4.</p>	<p style="text-align: right;">Page 156</p> <p>1 informed by anything outside of those materials you</p> <p>2 have listed, right?</p> <p>3 A That's correct.</p> <p>4 Q Okay. And you described to me earlier that you</p> <p>5 were not in the room when CWS may or may not have</p> <p>6 accessed the K2P platform, right?</p> <p>7 A That's correct.</p> <p>8 Q And so in terms of looking at whatever it is that</p> <p>9 they saw if they did log on, you don't know what</p> <p>10 that was?</p> <p>11 A That's correct.</p> <p>12 Q Okay.</p> <p>13 MR. EBNET: Those are all my questions,</p> <p>14 Mr. Lanterman. Thanks.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 MS. MUIRHEAD: Thank you. Nothing</p> <p>17 further from us.</p> <p>18 THE VIDEOGRAPHER: We are going off the</p> <p>19 record at 2:11 p.m., and this concludes today's</p> <p>20 testimony given by Mark T. Lanterman.</p> <p>21 MS. MUIRHEAD: The usual, paperless, no</p> <p>22 rough.</p> <p>23 MR. EBNET: Same. We don't need a</p> <p>24 rough, regular is fine.</p> <p>25 * * *</p>
<p style="text-align: right;">Page 155</p> <p>1 BY MR. EBNET:</p> <p>2 Q Okay. Mr. Lanterman, just a few additional</p> <p>3 questions. We had discussed this administrative</p> <p>4 access concept. Do you recall that?</p> <p>5 A Yes.</p> <p>6 Q And let me be more clear, we are discussing it in</p> <p>7 terms of what CWS could or could not see on the K2P</p> <p>8 platform. Do you recall that?</p> <p>9 A Yes.</p> <p>10 Q And what I heard you say is that your understanding</p> <p>11 of administrative access for purposes of this case</p> <p>12 is based on the deposition transcript of Justin</p> <p>13 McGinnis, is that right?</p> <p>14 MS. MUIRHEAD: Objection, form.</p> <p>15 THE WITNESS: Well, what I said was I</p> <p>16 recall reading something describing the access</p> <p>17 given to CWS and that I believed that that</p> <p>18 something was the McGinnis transcript.</p> <p>19 BY MR. EBNET:</p> <p>20 Q Certainly that something would be in the materials</p> <p>21 that are listed in your report as being the</p> <p>22 materials you reviewed, right?</p> <p>23 A Yes.</p> <p>24 Q Your understanding of what administrative access</p> <p>25 means for purposes of this case is not being</p>	<p style="text-align: right;">Page 157</p> <p>1 STATE OF MINNESOTA)</p> <p>2 ) SS.</p> <p>3 COUNTY OF GOODHUE )</p> <p>4</p> <p>5 Be it known that I took the deposition of MARK</p> <p>6 LANTERMAN on the 9th day of March, 2023;</p> <p>7 That I was then and there a notary public in</p> <p>8 and for the County of Goodhue, State of Minnesota, and</p> <p>9 that by virtue thereof; I was duly authorized to</p> <p>10 administer an oath;</p> <p>11 That the witness before testifying was by me</p> <p>12 first duly sworn to testify to the truth and nothing but</p> <p>13 the truth relative to said cause;</p> <p>14 That the testimony of said witness was recorded</p> <p>15 in computerized stenotype and thereafter transcribed by</p> <p>16 myself, and that the testimony is a true record of the</p> <p>17 testimony given by the witness to the best of my ability;</p> <p>18 That I am not related to any of the parties</p> <p>19 hereto nor interested in the outcome of the matter.</p> <p>20</p> <p>21 WITNESSED MY HAND AND SEAL THIS 20TH DAY OF MARCH, 2023.</p> <p>22</p> <p>23 </p> <p>24 Lisa M. Hutton</p> <p>25</p>